

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 8, 2019

Elisabeth A. Shumaker
Clerk of Court

RICHARD E. GLOSSIP; AMES A.
CODDINGTON; BENJAMIN R. COLE,
by and through his next friend Robert S.
Jackson; CARLOS CUESTA-
RODRIGUEZ; NICHOLAS
ALEXANDER DAVIS; RICHARD S.
FAIRCHILD; JOHN M. GRANT;
WENDELL A. GRISSOM; MARLON D.
HARMON; RAYMOND E. JOHNSON;
EMMANUEL A. LITTLEJOHN; JAMES
D. PAVATT; KENDRICK A. SIMPSON;
KEVIN R. UNDERWOOD; BRENDA E.
ANDREW; SHELTON D. JACKSON;
PHILLIP D. HANCOCK; JULIUS D.
JONES; ALFRED B. MITCHELL;
TREMANE WOOD,

Plaintiffs - Appellees,

v.

KEVIN J. GROSS; MICHAEL W.
ROACH; JOHN T. HOLDER; GENE
HAYNES; FRAZIER HENKE; DIANNE
OWENS; ADAM LUCK; JOE M.
ALLBAUGH; MIKE CARPENTER,
Warden Oklahoma State Penitentiary;
LAURA PITTMAN, Warden, Associate
Director of Field Operations; DAVID
PARKER, Division Manager of East
Institutions; GREG WILLIAMS, Division
Manager of West Institutions; H-UNIT
SECTION CHIEF; IV TEAM LEADER;
IV TEAM MEMBERS#1-10; SPECIAL
OPERATIONS TEAM LEADER;
SPECIAL OPERATIONS TEAM
MEMBERS #1-10,

No. 19-6002
(D.C. No. 5:14-CV-00665-F)
(W.D. Okla.)

Defendants - Appellees.

WADE LAY,

Movant - Appellant.

ORDER

On January 30, 2019, this court entered an order: (1) acknowledging receipt from appellant Wade Lay of a letter stating “[t]here is no possible scenario I can imagine that would compel [sic] me to approach this Tenth Circuit Court on appeal. . . .”; and (2) advising Mr. Lay that it would construe that letter as a motion for voluntary dismissal unless he provided written notification that he wished to continue pursuing this appeal. This matter is now before the court on two additional letters from Mr. Lay, each confirming that he does not wish to continue pursuing this appeal. [See Letter re this court’s 1/7/19 letter, stating: “I would not even briefly consider approaching this appeals court”; Letter re this court’s deficiency notice to appellees’ counsel, stating: “Please cease and desist this communication and civil action.”].

Upon consideration, the court construes Mr. Lay’s three letters collectively as a

motion to voluntarily dismiss the appeal, grants that motion, and dismisses this appeal.

A copy of this order shall stand as and for the mandate of the court.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "LA Lee".

by: Lisa A. Lee
Counsel to the Clerk